

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

August 7, 2015

Dr. Ben Van Handel
Executive Director
Novogenix Laboratories, LLC
1425 San Pablo St. 205
Los Angeles, CA 90033

Dear Dr. Van Handel:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce seeks information and requests a briefing regarding your organization's practices relating to human fetal tissue collection, sale and/or donation.

Several videos made public in recent weeks have raised questions regarding the buying, selling, and research use of human fetal tissue. One of the videos indicates that Novogenix Laboratories, LLC (Novogenix) procures human fetal tissue from Planned Parenthood Los Angeles.

Under the NIH Revitalization Act of 1993, it is "unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce." While this provision prohibits the sale or purchase of fetal tissue itself, the term "valuable consideration" does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue. As the committee with legislative jurisdiction over the NIH Revitalization Act of 1993, we have an oversight responsibility and interest in determining whether there is adequate compliance with the law, and/or whether the law is adequately meeting ethical and moral concerns.

To assist the committee's examination, we respectfully request that Novogenix provide a briefing to committee staff no later than August 21, 2015. Novogenix should be prepared to address the following issues:

1. Your organization's procedures to assure proper informed consent for fetal tissue donation.

2. Your organization's practices for collecting fetal tissue, including guidance to, and training for, agents or representatives involved in the acquisition of fetal tissue.
3. Your organization's practices and/or policies relating to the quality or quality control of fetal tissue, and how your organization decides what types of fetal tissue to collect.
4. The prices or fees that Novogenix pays for each type of fetal tissue, and how much Novogenix paid in 2014 for fetal tissue.
5. The prices or fees that Novogenix sets for each type of fetal tissue provided to researchers, including what guidance or criteria, if any, Novogenix provides to researchers on prices and fees, and the total amount of fees collected and costs expended by Novogenix relating to fetal tissue.
6. The number of years Novogenix has engaged in fetal tissue collection and whether and how Novogenix assures that the collection, sale and/or donation of fetal tissue is in compliance with federal and state legal requirements, or is in accordance with rules made by ethics boards by institutions buying fetal tissue from Novogenix.

In addition to this briefing, we respectfully request that Novogenix preserve and retain all documents relating or referring to the collection, sale and/or donation of fetal tissue.

If you have any questions about this letter, please contact Charles Ingebretson of the committee staff at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



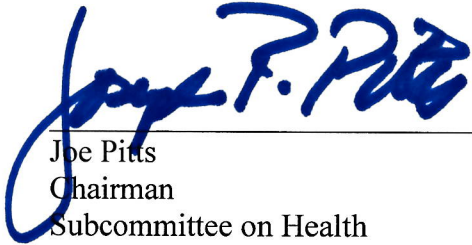
Tim Murphy
Chairman
Subcommittee on Oversight and Investigations



Joe Barton
Chairman Emeritus



Marsha Blackburn
Vice Chairman



Joe Pitts
Chairman
Subcommittee on Health

cc: The Honorable Frank Pallone, Jr., Ranking Member

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Gene Green, Ranking Member
Subcommittee on Health